

LYONS, PIPES AND COOK

516-519 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

JOSEPH H. LYONS
SAM W. PIPES, III
WALTER M. COOK

December 31, 1954

2475

Clerk of the Circuit Court
Baldwin County
Bay Minette, Alabama

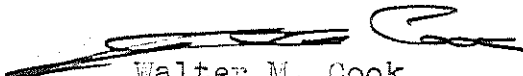
Re: Gerald Lee Hesse vs
Alton W. Devine

Dear Madam:

Enclosed herewith please find appearance which
we ask you to file in this cause, and we will
appreciate it if you will acknowledge receipt
of this letter.

Very truly yours,

LYONS, PIPES AND COOK



Walter M. Cook

enc.

STATE OF ALABAMA)
BALDWIN COUNTY)

IN THE CIRCUIT COURT - LAW SIDE.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Alton Woodrow Devine to appear within thirty days from the service of this Writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the complaint of Henry Hesse, as Administrator of the Estate of Gerald Lee Hesse, Deceased.

Witness my hand this 16 day of December, 1954.

Deane J. Albrecht
Clerk.

HENRY HESSE, As Adminis-
trator of the Estate of
Gerald Lee Hesse, Deceased,

Plaintiff,

vs.

ALTON WOODROW DEVINE,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

COUNT ONE:

The Plaintiff claims of the Defendant the sum of Fifty Thousand Dollars (\$50,000.00) as damages for that on, to-wit, August 30, 1954, at about 8:30 o'clock p.m., the Defendant, Alton Woodrow Devine, so negligently operated a motor vehicle on U. S. Highway #31 at a point approximately three miles Southwest of Bay Minette, Alabama, in Baldwin County, Alabama, as to cause or allow said motor vehicle to run into, upon or against an automobile which was then and there being driven along such Highway at said time and place by Plaintiff's intestate, Gerald Lee Hesse, where he had a right to be and as a proximate result of Defendant's negligence, Plaintiff's intestate suffered injuries from which he died, all to the damage of the Plaintiff in the sum aforesaid mentioned, wherefore Plaintiff brings this suit and asks judgment in the above amount.

COUNT TWO:

The Plaintiff claims of the Defendant the sum of Fifty Thousand Dollars (\$50,000.00) as damages for that on, to-wit, August 30, 1954, at about 8:30 o'clock p.m., the Defendant, Alton Woodrow Devine willfully or wantonly injured the Plaintiff's intestate by willfully or wantonly driving a motor vehicle on U. S. Highway #31 at a point approximately three miles Southwest of Bay Minette, Alabama, in Baldwin County, Alabama, so as to cause or allow said motor vehicle to run into, upon or against an automobile which was then and there being driven along said Highway at said time and place by Plaintiff's intestate, Gerald Lee Hesse, where he had a right to be and as a proximate result of Defendant's willfull or wanton negligence, Plaintiff's intestate suffered injuries from which he died, all to the damage of the Plaintiff in the sum afore mentioned, wherefore Plaintiff brings this suit and asks judgment in the above amount.

Gascon & Stone
Attorneys for Plaintiff.

Plaintiff demands a trial of this cause by jury

Gascon & Stone
Attorneys for Plaintiff.

FILED
Dec. 16, 1954
ALICE I. DUCK, Clerk

770 2.475

Received 16 day of Dec 1954
and on 17 day of Dec 1954
I served a copy of the within S. & C.
on _____

By service on Alton Woodrow Devine

TAYLOR WILKINS, Sheriff
By Llewyn S. Steadman, S.

SUMMONS AND COMPLAINT

HENRY HESSE, As Administrator of
the Estate of Gerald Lee Hesse,
Deceased,

Plaintiff,

vs.

ALTON WOODROW DEVINE,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Filed this 16th day of December,
1954.

Llewyn S. Steadman
Clerk.

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

JURY LIST

Spring Term, March 14, 1955

NO.	NAME	OCCUPATION	ADDRESS
1	Thomas V. Abercrombie, Jr.	butcher	Robertsdale
2	Lavigne Berglin	creamery	Fairhope
3	J. Carlisle Childress	merchant	Foley
4	J. J. Junkiewicz	merchant	Summerdale
5	Joseph L. Lucassen	auto dealer	Foley
6	Irving Kamper	merchant	Fairhope
7	Vernon Wheat	reserve fleet	Bay Minette
8	Laudie L. Langham	Newport	Bay Minette
9	Jesse Stewart	laborer	Robertsdale
10	Roger Barnhill	farmer	Loxley
11	Robert L. Teem	farmer	Foley
12	Barnard Laurendine	laborer	Foley
13	Edward McDaniel	farmer	Robertsdale
14	Robert F. Helton	carpenter	Foley
15	David Golden	merchant	Foley
16	Edward W. Engle	farmer	Summerdale
17	Joseph Kral	farmer	Robertsdale
18	Grover McBride	mechanic	Foley
19	E. L. Soesbe	mechanic	Foley
20	Carl Slaughter	farmer	Tensaw
21	Brad Neimier	merchant	Fairhope
22	Robert T. Cowles	laborer	Fairhope
23	Marshall N. Harris	farmer	Foley
24	Charles C. Hand, Jr.	real estate	Bay Minette
25	Quitman Cooper	veteran	Bon Secour
26	John A. Ebert	clerk	Foley
27	Elmer G. Anderson	contractor	Fairhope
28	Max Griffin	oil distributor	Foley
29	George Hertel	farmer	Elberta
30	John E. Flowers	farmer	Bon Secour
31	Frank Knowles	electrician	Bay Minette
32	J. Hilary Brown	cobbler	Bay Minette
33	Martin Simmons	surveyor	Bay Minette
34	Herman Tan	butane work	Foley
35	Elroy McKenzie, Sr.	farmer	Fairhope
36	William Gullledge	farmer	Robertsdale
37	Aaron G. Weaver	merchant	Bay Minette
38	Arthur Stenzil	furniture	Fairhope

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willfully or wantonly driving a motor vehicle on U. S. Highway #31 at a point approximately 4.3 miles Southwest of the Courthouse in Bay Minette, Alabama, in Baldwin County, Alabama, so as to cause or allow said motor vehicle to run into, upon or against an automobile which was then and there being driven along said Highway at said time and place by Plaintiff's intestate, Gerald Lee Hesse, where he had a right to be and as a proximate result of Defendant's willfull and wanton negligence, Plaintiff's intestate suffered injuries from which he died, all to the damage of the Plaintiff in the sum afore mentioned, wherefore Plaintiff brings this suit and asks judgment in the above amount.

FILED

Jan. 24 - 1955

ALICE J. DUCK, Clerk

W. H. Stone
Attorneys for Plaintiff.

003 JAN 28 1955

2475'

AMENDED COMPLAINT

HENRY HESSE, As Administrator of
the Estate of Gerald Lee Hesse,
Deceased,

Plaintiff,

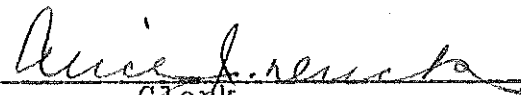
vs.

ALTON WOODROW DEVINE,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

Filed this 24 day of January, 1955.


Clerk.

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

HENRY HESSE, As Adminis-
trator of the Estate of
Gerald Lee Hesse, Deceased,
Plaintiff,

vs.

ALTON WOODROW DEVINE,
Defendant.

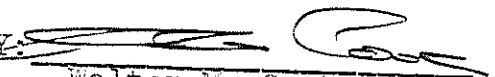
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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW.

Comes now the defendant, Alton Woodrow Devine, through
Lyons, Pipes and Cook, his Attorneys, and enters this, his
appearance, reserving the right to answer, demur or plead
specially.

FILED
Jan. 3, 1955
ALICE L. COOK, Clerk

LYONS, PIPES AND COOK,
Attorneys for Defendant

BY: 
Walter M. Cook

HENRY HESSE, As Adminis-
trator of the Estate of
Gerald Lee Hesse, Deceased,

Plaintiff,

VS.

ALTON WOODROW DEVINE,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 2475

DEMURRER

Now comes the defendant and for demurrer to the complaint and to each and every count thereof separately and severally, assigns separately and severally, the following:

1. It does not state the cause of action.
2. The allegations of the complaint are vague, indefinite and uncertain.
3. The allegations of the complaint are vague, indefinite and uncertain in that the place of the alleged accident is not described with sufficient certainty.
4. The allegations of the complaint are conclusions of the pleader.

FILED

Jan. 14, 1955

ALICE J. BUCK, Clerk

J. T. Blackburn
Lyon, Taper & Cook

Attorneys for Defendant

HENRY HESSE, as Administrator)
 of the Estate of Gerald Lee)
 Hesse, Deceased,)

Plaintiff,)

VS.)

ALTON WOODROW DEVINE,)

Defendant.)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 2475

PLEAS

Now comes the defendant and for pleas to the complaint as last amended assigns, separately and severally, the following:

1. Not guilty.

2. The plaintiff ought not to recover in this case because at the time and place complained of plaintiff's intestate was guilty of negligence which proximately contributed to his injuries and death in that he then and there so negligently operated the automobile which he was then and there driving as to cause it to run into, on or against the motor vehicle that was being driven by the defendant.

FILED

Feb. 15, 1955

ALICE J. BUCK, Clerk

J. B. Blackburn
Lynne T. Cook
 Attorneys for defendant.

HENRY HESSE, as Administrator
of the Estate of Gerald Lee
Hesse, Deceased,

Plaintiff,

VS.

ALTON WOODROW DEVINE,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 2475

DEMURRER TO AMENDED COMPLAINT

Now comes the defendant and for demurrer to the complaint as last amended and to each and every count thereof, separately and severally, assigns, separately and severally, the following:

1. It does not state a cause of action.
2. The allegations of the complaint are conclusions of the pleader.
3. The allegations of the complaint are vague, indefinite and uncertain.
4. The allegations of the complaint are vague, indefinite and uncertain in that it does not describe with sufficient certainty the place where the alleged accident occurred.

FILED

Feb. 15, 1955

ALICE J. DUCK, Clerk

J. B. Blackburn

Lynn, F. & Cook

Attorneys for defendant.